

## Absent—Excused

Hudson Taylor

The Senate accordingly at 11:05 o'clock a.m., took recess until 10:00 o'clock a.m. tomorrow.

## FIFTY-FIFTH DAY

(Continued)

(Wednesday, June 8, 1949)

## AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by Senator Aikin.

## Motion to Recess

Senator Hudson moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—6

Cousins	Moffett
Hudson	Phillips
Lock	Taylor

## Nays—15

Aikin	Martin
Ashley	McDonald
Bullock	Morris
Hardeman	Proffer
Harris	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	

## Absent

Bell	Hazlewood
Bracewell	Kelly of Tarrant
Carney	Moore
Colson	Strauss
Corbin	Weinert

(Senator Lane in the Chair)

## Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Aikin submitted the following report:

Austin, Texas,  
June 7, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 492, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Carney submitted the following report:

Austin, Texas,  
June 7, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 934, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Harris submitted the following report:

Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee, on Oil, Gas and Conservation, to whom was referred H. B. No. 938, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARRIS, Chairman.

Address by Honorable John Lee Smith

(Senate Resolution 199)

Senator Corbin offered the following resolution:

Whereas, The Honorable John Lee Smith of Lubbock, Texas, is a visitor in the City of Austin and the Capitol today; and

Whereas, Mr. Smith served his State with distinction in the Senate of Texas and likewise as Lieutenant Governor of this State; and

Whereas, It is the desire of the Senate to extend to former Lieutenant Governor Smith the privileges of the floor today and to extend to him a warm welcome to the Capitol; and

Whereas, The Members of the Senate desire that he address the Senate; now, therefore, be it

Resolved, By the Senate of Texas, that the Honorable John Lee Smith be and he is hereby extended the privileges of the floor for the day and that he be invited to address the Senate.

CORBIN  
HARDEMAN  
VICK  
BULLOCK

The resolution was read and was adopted.

Accordingly, the Presiding Officer announced the appointment of Senators Bullock, Corbin, Vick, and Harde-  
man as a committee to escort Mr. Smith to the President's rostrum.

The committee having performed the duty assigned it, the Presiding Officer (Senator Lane in the Chair) presented Senator Corbin who presented Honorable John Lee Smith to the Senate.

Mr. Smith then addressed the Senate and thanked them for the honor bestowed upon him.

(Senator Aikin in the Chair)

#### Senate Resolution 200

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the 6th and 7th Grades of the Becker School of Austin, Texas, accompanied by their teacher, Mrs. Scruggs; and

Whereas, These students and guests are on an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 133, Suspending joint rules for the purpose of allowing the House and Senate to take up and consider their local and uncontested Calendars on Wednesday or Thursday, June 8th and 9th, 1949.

H. C. R. No. 130, In memory of Honorable E. G. Palmer of Norman-  
gee, Leon County, Texas.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 201

Senator Kelly of Tarrant offered the following resolution:

Whereas, We are honored today in the Senate by the presence of Honorable Fred Korth of Fort Worth, Texas; and,

Whereas, Mr. Korth is well known to all of us as an exemplary leader in political affairs and holds the distinguished position of National Committeeman from the State of Texas in the Young Democratic Clubs of America; and,

Whereas, Mr. Korth's work with this organization and others has led him to study thoroughly and investigate carefully many of the issues with which we here have been concerned; be it, therefore,

Resolved, That the Senate of the State of Texas extends to the Honorable Fred Korth our most cordial welcome, and be it further

Resolved, That we extend to him the privileges of the floor for today, and be it further

Resolved, That this resolution be printed and a copy furnished the Honorable Fred Korth as a further evidence of his welcome in our midst.

The resolution was read and was adopted.

#### House Bill 808 on Passage to Third Reading

The Presiding Officer laid before the Senate as unfinished business on its passage to third reading:

H. B. No. 808, Providing for the abolishment of rent control in Texas.

The bill having been read second time on Monday, June 6, 1949, with a motion by Senator Phillips to postpone further consideration of the bill until 10:00 a.m. Wednesday, August 31, 1949, pending.

Question—Shall the motion prevail?

Motion to Recess

Senator Strauss moved that the Senate recess to 2:30 o'clock p.m. today.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—3

Hudson	Strauss
Phillips	

Nays—26

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick
Jones	Weinert

Absent

McDonald	Moffett
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Pending further debate on the motion by Senator Phillips, Senator Strauss moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

The motion was lost by the following vote:

Yeas—7

Aikin	Hudson
Carney	Phillips
Cousins	Strauss
Harris	

Nays—21

Ashley	Bullock
Bell	Colson
Bracewell	Corbin

Hazlewood	Moore
Hardeman	Morris
Jones	Proffer
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Tynan
Lane	Vick
Martin	Weinert
McDonald	

Absent

Lock	Taylor
Moffett	

Senator Vick raised a point of order against further debate by Senator Phillips on the motion to postpone consideration of the bill to a date certain on the ground that his remarks were not germane to the motion before the Senate.

The Presiding Officer (Senator Aikin in the Chair) requested Senator Phillips to confine his remarks to the motion before the Senate.

Senator Strauss moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—7

Aikin	Moffett
Carney	Phillips
Hudson	Strauss
Lock	

Nays—19

Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moore
Colson	Morris
Corbin	Proffer
Hardeman	Tynan
Harris	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent

Cousins	Shofner
Hazlewood	Taylor
Kelly of Tarrant	

Question—Shall the motion to postpone further consideration of the bill until Wednesday, August 31, 1949, prevail?

**Report of Conference Committee on  
House Bill 58**

Senator Carney submitted the following report:

Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 58, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

CARNEY  
HARDEMAN  
MORRIS  
LANE  
McDONALD

On the part of the Senate.

CROSTHWAIT  
WOOD of Smith  
WILLIS of Tarrant  
GATHINGS  
GROMATZKY

On the part of the House.

H. B. No. 58 By: Willis of Tarrant

**A BILL  
TO BE ENTITLED**

"An Act prohibiting fishing in the fresh waters of this State, outside of county of residence and adjacent counties thereto without fishing license, providing for issuance and form and fixing fees, of resident, non-resident, and five-day fishing licenses; providing for certain exceptions; defining non-resident; specifying who may issue licenses hereunder; providing for issuance of duplicate license upon certain conditions, and prescribing fee therefor and punishment for false swearing, in connection therewith; providing for certain records and reports, remission of fines and fees to Game, Fish and Oyster Commission, their deposit in State Treasury in Special Game and Fish Fund, specifying purposes for which fund may be expended; prohibiting fishing under license of another; prohibiting permitting another to fish under one's license; providing for the effective date of Act; prohibiting failure or refusal to show license upon demand by officer; prescribing suitable

penalty and license forfeiture for violation of any provision of this Act; repealing Article 4032a, Revised Civil Statutes of Texas, 1925, and all other laws, general or special or local, or parts thereof in conflict herewith; containing a savings clause; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Resident Fishing License. It shall be unlawful for any resident of this State to fish in any of the fresh waters of this State, outside of the county of his residence and adjacent counties thereto, without first having procured from the Game, Fish and Oyster Commission, or one of its bona fide employees, or a county clerk or an authorized agent, a resident fishing license, the fee for which shall be One Dollar and Sixty-five Cents (\$1.65). Of this amount, the officer issuing same shall retain Fifteen Cents (15c) as his fee for collecting same. No fee or license of any kind shall be required of a person for the right to fish in the county of his residence and counties adjacent thereto except as provided in Section 3 of this Act.

Sec. 2. Non-resident Fishing License. It shall be unlawful for any person who is a non-resident of this State, or any person who is an alien, to fish in the fresh waters of this State without first having procured from the Game, Fish and Oyster Commission, or one of its bona fide employees, or a county clerk or an authorized agent, a non-resident fishing license, the fee for which shall be Five Dollars and Twenty-five Cents (\$5.25). Of this amount, the issuing officer shall retain Twenty-five Cents (25c) as his fee for collecting same. Provided that such non-resident may fish in said waters under a five-day license, the fee for which shall be One Dollar and Sixty-five Cents (\$1.65), and which shall be valid for only five (5) consecutive days, including day of issuance, the date of which shall be stated thereon. The issuing officer shall retain Fifteen Cents (15c) of said amount as his collecting fee.

Sec. 3. Exceptions. No person under seventeen (17) years of age shall be required to possess any of the

licenses provided for in this Act. No resident fishing license shall be required of a resident citizen of this State who holds a commercial fishing license issued in this State. Provided that all residents of this State over the age of seventeen (17) years shall hold a resident fishing license when using artificial bait or lure. Provided further that all residents of this State over the age of seventeen (17) years shall hold a resident fishing license when using live bait outside of the county of his residence.

Sec. 4. Definition. "Non-resident" as used in this Act shall mean any citizen of the United States of America who is not a citizen of the State of Texas and who has not continuously, for six (6) months next preceding issuance of the fishing license to him, been an actual bona fide resident of the State of Texas.

Sec. 5. Duplicate License. In the event the holder of a license provided for in this Act shall have lost such license, or same shall have been destroyed, such license holder may file with the Game, Fish and Oyster Commission or its bona fide employee, or a county clerk, or an authorized agent, an application, in the form of an affidavit as to the facts of such loss or destruction, which affidavit shall contain the serial number of the license so lost or destroyed; whereupon said Commission or its bona fide employee, or a county clerk, or an authorized agent, may issue to such person a duplicate fishing license, the fee for which shall be Fifty Cents (50c). Of this amount, Twenty-five Cents (25c) may be retained by the issuing officer as his fee for issuing same.

Sec. 6. Form of License. Each license issued under the provisions of this Act shall have printed across its face, the year for which it is issued, and shall bear the name and address and residence of the person to whom issued, and shall state the approximate weight, height, age, color of hair, and color of eyes of such person, in order that proper identification may be had in the field. Such resident, non-resident and duplicate fishing licenses shall be dated the date of issuance and shall remain in effect until, and including the last day of August thereafter. Non-resident fishing licenses shall have printed thereon the

following: "This license does not entitle the holder thereof to fish upon the enclosed and posted lands of another without the consent of the owner or agent." It shall be unlawful for any person to issue or accept any license required by the provisions of this Act, except on a form provided by the Game, Fish and Oyster Commission.

Sec. 7. License Deputies. Any person designated by the Executive Secretary of the Game, Fish and Oyster Commission, its bona fide employees, and the county clerk of each county in this State are hereby authorized to issue any license provided for by this Act, or that may hereafter be provided for, and all persons so issuing licenses shall fill out correctly and preserve for the use of said Commission the stubs attached thereto; and shall keep a complete and correct record of all licenses issued, showing the name and place of residence of each licensee and the serial number and date of the license issued. The county clerk and all other persons issuing licenses shall, within ten (10) days after the close of each calendar month, prepare a detailed report showing the serial number and date of each license issued during the month covered by the report, and the name and address of the person to whom issued, and shall forward such report, with remittance of fees due the State, to the Game, Fish and Oyster Commission, at Austin, and said Commission shall credit such county clerk, or other person, with the amount so remitted. As soon as possible after the licenses in a license book have all been issued, and only the stubs remain therein, such county clerk or other person shall forward such used license book to the Game, Fish and Oyster Commission, at Austin, in order that said Commission may furnish necessary information regarding holders of licenses to any officers of the State. All unissued licenses shall be returned to the Game, Fish and Oyster Commission, at Austin, when request therefor is made by said Commission.

Sec. 8. Disposition of Fees and Fines. All moneys received from the sale of the licenses provided for herein, after the payment of the fees allowed under this Act have been deducted, and all moneys received from penalties assessed for violations of this Act

and for violations of fresh water fishing laws not otherwise disposed of by law, after deduction of fees allowed by law, shall be remitted to the Game, Fish and Oyster Commission, at Austin, and be deposited by said Commission in the State Treasury, to the credit of the Special Game and Fish Fund, which fund shall be used for the purpose of building and maintaining fish hatcheries, fairly distributed over the State of Texas, and for the propagation and distribution and protection of fish in the State of Texas, and for the dissemination of information pertaining to the conservation of fish in this State. All expenditures shall be verified by affidavit to the Game, Fish and Oyster Commission; and on the approval of such expenditures by the Executive Secretary of said Commission, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures, in favor of the person claiming the same, such warrant to be paid out of the Special Game and Fish Fund. All moneys and all balances now in such fund from moneys already paid into the State Treasury, or that may hereafter be paid into said fund, are made available as soon as paid into the State Treasury, and are hereby specifically appropriated to the use of the Game, Fish and Oyster Commission, for the several purposes herein specified.

Sec. 9. False Swearing. Any person who, in making an affidavit as provided for in this Act, shall knowingly make a false affidavit of fact, shall be deemed guilty of false swearing and shall be punished in accordance with the provisions of Article 310, Penal Code of Texas, 1925.

Sec. 10. Fishing Under License of Another. It shall be unlawful for any person to fish under the license issued to any other person, or to permit any other person to fish under a license issued to him.

Sec. 11. Effective Date of Act. This Act shall become effective on the first day of September, 1949.

Sec. 12. Penalty. Any person who shall fish in any of the fresh waters of this State, without the license required of him by this Act, or any person who shall fish under the license of another, or who permits another to fish under his license, or who fails or refuses, on demand by any officer,

to show such officer his fishing license required of him by this Act, or who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00).

Sec. 13. Forfeiture. Any person who has been convicted of violating any of the provisions of this Act shall thereby automatically forfeit his fishing license for the remainder of the license period, and shall not be entitled to receive from said Commission, or its agent, a license to fish for one year immediately following the date of his conviction; and it shall be unlawful for any person so convicted to purchase or possess a fishing license or to fish in this State, for a period of one year immediately following date of such conviction. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200).

Sec. 14. Repeal. Article 4032a, Revised Civil Statutes of Texas, 1925, and all other laws, general, special or local, or parts of laws, in conflict with this Act, are hereby expressly repealed.

Sec. 15. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any section, word, clause, sentence or part of this Act shall be declared unconstitutional, shall in no event affect any other section, word, clause, sentence or part thereof; and it is hereby declared to be intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other section, sentence, clause or part thereof may be declared invalid.

Sec. 16. The fact that the profusion of licenses required for fishing in various waters of this State is confusing and leads to unjust duplicate assessment for the enjoyment of fishing opportunities throughout the State creates an emergency and an imperative public necessity, that the Constitutional Rule requiring that bills be read on three several days in each House be, and the same is hereby suspended, and this Act shall become in full force and effect from and after

its passage, and it is so enacted.

The report was read and was adopted by the following vote:

**Yeas—19**

Aikin	Lane
Bracewell	Moffett
Bullock	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Taylor
Hudson	Tynan
Jones	Weinert
Kelley of Hidalgo	

**Nays—7**

Bell	McDonald
Colson	Strauss
Lock	Vick
Martin	

**Absent**

Ashley	Kelly of Tarrant
Cousins	Moore
Hazlewood	

**Message from the Governor**

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 6, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the Board of Trustees, Texas Municipal Retirement System for a term to expire December 31, 1954:

Corna Nelson of Port Arthur, Jefferson County.

To be Members of the Central Colorado River Authority for terms to expire January 1, 1955:

Cal Averett of Coleman, Coleman County; George Pauley of Valera, Coleman County; H. E. Evans of Talpa, Coleman County.

To be Members of the State Board of Nurse Examiners for terms to expire April 9, 1955:

Sister Catherine Elizabeth of Fort Worth, Tarrant County; Miss Frances Brush of Temple, Bell County.

To be Directors of San Antonio

River, Canal and Conservancy District for terms to expire May 5, 1955:

W. B. Tuttle of San Antonio, Bexar County; Frank Drought of San Antonio, Bexar County; John Weber of Goliad, Goliad County.

To be Pecos River Compact Commissioner for term to expire May 5, 1955:

Charles H. Miller of Barstow, Ward County.

To be Judge of the 118th Judicial District:

Charlie Sullivan of Big Spring, Howard County.

To be District Attorney of the 118th Judicial District:

Elton Gilliland of Big Spring, Howard County.

Respectfully submitted,  
**BEAUFORD H. JESTER,**  
Governor of Texas.

**House Concurrent Resolution 133**

The Presiding Officer laid before the Senate for consideration at this time:

H. C. R. No. 133, Suspending the Joint Rules for the purpose of allowing the House and Senate to take up and consider their local and uncontested Calendar on Wednesday or Thursday, June 8th and 9th, 1949.

The resolution was read.

On motion of Senator Tynan and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Bill 70 with House Amendments**

Senator Tynan called S. B. No. 70 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Tynan moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

**Bills and Resolutions Signed**

The Presiding Officer announced the

signing of, by the President, in the presence of the Senate, the following enrolled bills and resolutions:

H. J. R. No. 36, Proposing an amendment to Article III of the Constitution of the State of Texas authorizing the Legislature of the State of Texas to provide for the establishment and creation of hospital districts; providing for the Governor's proclamation and submission to the electorate.

H. C. R. No. 75, Granting permission to Mrs. Ben F. LaRue of Lovelady, Texas, to sue the State of Texas.

H. C. R. No. 120, Commending the citizens of Goliad and Goliad County on their Bicentennial Celebration.

H. C. R. No. 123, Granting permission to the House to adjourn from Thursday, June 2, to Monday, June 13, 1949.

H. C. R. No. 122, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 549.

H. C. R. No. 125, Authorizing the Enrolling Clerk of the House to make a certain correction in House Bill No. 683.

H. B. No. 176, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, establishing the central Bureau of Vital Statistics, providing for its general supervision and immediate direction, and providing for the appointment and qualifications of the State Registrar of Vital Statistics; and declaring an emergency."

C. S. H. B. No. 549, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, as amended by House Bill No. 328, Acts of the Forty-eighth Legislature, Regular Session, 1943, as further amended by House Bill No. 292, Acts of the Forty-ninth Legislature, Regular Session; and as further amended by House Bill No. 275, Fiftieth Legislature, Regular Session, 1947; pertaining to the salaries of elective County Superintendents and to office and traveling expenses; providing for assistants to the County Superintendents; providing for the employment of assistants to the County Superintendents in counties having a population of more than one hundred thousand

(100,000) according to the last Federal Census; etc.; and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act amending Acts 1937, Forty-fifth Legislature, page 1138, Chapter 460, the same being otherwise known and designated as Article 301d of Vernon's Annotated Penal Code, prohibiting Public School Fraternities, Sororities, and Secret Societies in all Public Schools of this State, including High Schools, Junior High Schools, and all Public Schools of lower grades; excepting all Universities and Colleges above the grade or rank of High Schools; defining terms; providing penalties; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act to clarify and amend the Laws of Texas relating to dentistry by amending Section 3 of Chapter 571, General and Special Laws of Texas, Regular Session, Fiftieth Legislature, 1947, so as to provide for revocation, cancellation, or suspension of licenses; the filing and docketing of sworn complaints; investigation of complaints; adequate notice and hearing before the Board; for authority in such Board to subpoena and compel attendance of witnesses; providing for the right of appeal from decision of Board to the Courts; repealing all laws in conflict; providing for possible legal construction and declaring the Legislative intent with respect to this Act; and declaring an emergency."

H. B. No. 925, A bill to be entitled "An Act amending Title 50, Revised Civil Statutes of Texas, 1925, by amending Article 3084, Revised Civil Statutes of Texas, 1925, so as to change the date on which electors shall meet to cast their votes for President and Vice-President; etc.; and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act to amend Section 4 of H. B. 557, Acts 1937, 45th Legislature, R. S., page 926, as amended, so as to provide that all license fees collected under H. B. No. 557, Acts 1937, 45th Legislature, R. S., page 926, shall be paid into the State Treasury, to be kept in a separate fund known as the 'Citrus Fruit Inspection Fund,' as created by H. B. No. 63, Acts 1927, 40th Legislature, 1st C. S., page 240, as amended; and declaring an emergency."

H. C. R. No. 126, In memory of Thomas Luther Tyson.

#### Recess

Senator Strauss moved that the Senate recess to 2:30 o'clock p.m. today.

Yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	

#### Nays—7

Bell	Jones
Bullock	Kelley of Hidalgo
Corbin	Vick
Hazlewood	

#### Absent

Weinert

The Senate accordingly at 12:25 o'clock p.m., took recess to 2:30 o'clock p.m. today.

#### AFTERNOON SESSION

The Senate met at 2:30 o'clock p.m. and was called to order by Senator Aikin.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

June 8, 1949. The House has adopted the Conference Committee Report on House Bill No. 58 by a vote of 78 yeas, 12 nays.

The House refused to concur in Senate amendments to House Bill No. 321

and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Kirkpatrick, Rampy, Hanna, Lee, Smith of Lubbock, Preston.

H. B. No. 966, A bill to be entitled "An Act to amend House Bill No. 47, Acts, Fifty-first Legislature, Regular Session, 1949, to create the 105th Judicial District and the 105th District Court for the counties of Nueces, Kleberg, and Kenedy; prescribing the jurisdiction thereof; fixing the terms thereof; providing for the appointment of a Judge; providing for the designation of a seal; providing for the Sheriff, Clerk and District Attorney therefor; changing the title of District Attorney from that of District Attorney of the 28th Judicial District to that of District Attorney for the 105th Judicial District; etc.; and declaring an emergency."

S. C. R. No. 66, Relative to commemorating the landing of the 36th (Texas) Division on the beaches of Southern France, and the liberating of the townships of Dramont and San Raphael, etc.

Respectfully submitted,  
CLARENCE JONES,

Chief Clerk, House of Representatives.

#### House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 966, to Committee on Judicial Districts.

(Senator Martin in the Chair)

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 966, have had the same under consideration, and I am in-

structed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLY of Tarrant, Chairman.

Senator Ashley submitted the following reports:

Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 37, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,  
June 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 3, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

#### Bill Ordered Not Printed

On motion of Senator Kelly of Tarrant, it was ordered that H. B. No. 966 be not printed.

#### House Bill 966 on Second Reading

Senator Kelley of Hidalgo moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 966 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Kelley of Hidalgo	

Shofner  
Taylor

Tynan  
Vick

Absent

Bracewell  
Corbin  
Hazlewood

Strauss  
Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 966, A bill to be entitled "An Act to amend House Bill No. 47, Acts of the Fifty-first Legislature, 1949, creating the 105th Judicial District and 105th District Court in counties of Nueces, Kleberg, and Kenedy, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 966 on Third Reading

The Presiding Officer then laid H. B. No. 966 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Colson	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Vick

Nays—2

Aikin Taylor

Absent

Carney	Tynan
Corbin	Weinert
Hazlewood	

#### House Bill 808 on Passage to Third Reading

The Senate resumed consideration of pending business same being H. B. No. 808 on its passage to third reading with a motion by Senator Phillips to postpone further consideration of the bill until Wednesday, August 31, 1949, pending.

Question—Shall the motion to postpone prevail?

#### Motions to Recess

Senator Hudson moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—7

Carney	Phillips
Cousins	Shofner
Hudson	Strauss
Lock	

#### Nays—22

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Proffer
Harris	Taylor
Hazlewood	Tynan
Jones	Vick

#### Absent

Kelley of Hidalgo Weinert

Pending further debate by Senator Phillips, Senator Hudson moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—6

Carney	Phillips
Hudson	Shofner
Morris	Strauss

#### Nays—19

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Proffer
Hardeman	Taylor
Harris	Tynan
Jones	Vick
Kelley of Hidalgo	

#### Absent

Aikin	Lock
Cousins	Moore
Hazlewood	Weinert

Question recurring on the motion to postpone further consideration of the bill, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—4

Morris	Strauss
Phillips	Taylor

#### Nays—22

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Proffer
Cousins	Shofner
Hardeman	Tynan
Harris	Vick

#### Absent

Hazlewood	Moore
Hudson	Weinert
Lock	

Senator Phillips offered the following amendment to the bill:

Amend House Bill 808 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. Rent control as established by the Act of the 81st Congress of the United States, extending rent control for a period of fifteen (15) months from and after March 31, 1949, as further described in Housing and Rent Act of 1949, H. R. 1731, shall be abolished in the defense rental areas where such control now exists, provided affirmative action to this end is taken by the governing body of the incorporated municipality, town, or village affected, such action to follow a public hearing of which 10 days prior notice shall have been given. An affidavit certifying to the action of said local governing body shall be submitted to the Governor and he shall in turn transmit same with his approval to the Federal Housing Expediter."

Senator Vick moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—18

Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Martin
Corbin	McDonald
Hardeman	Proffer
Harris	Tynan
Hudson	Vick

## Nays—7

Aikin	Shofner
Moffett	Strauss
Morris	Taylor
Phillips	

## Absent

Colson	Lock
Cousins	Moore
Hazlewood	Weinert

Senator Phillips offered the following amendment to the bill:

Amend House Bill 808 by adding a new section to be numbered Section 1a to read as follows: Provided that rent control shall not be abolished in any area designated by the Federal Housing Authority as a defense rental area if there is located in said area an active military camp, airfield, naval station, or similar installation of and for the armed forces of the United States, unless the governing body of the incorporated municipality which is a part of said area shall by affirmative vote, after a public hearing of which ten days prior notice is given, abolish such rent controls.

Senator Morris offered the following amendment to the amendment:

Amend Phillips amendment by striking out the words "designated by the Federal Housing Authority as a defense rental area."

Question first recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

## Yeas—12

Aikin	Morris
Bracewell	Phillips
Colson	Proffer
Cousins	Shofner
Jones	Strauss
Lock	Taylor

## Nays—15

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bullock	Lane
Carney	Martin
Corbin	Moffett
Hardeman	Tynan
Harris	Vick
Hudson	

## Absent

Hazlewood	Moore
McDonald	Weinert

Senator Vick then moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—17

Ashley	Hudson
Bell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Colson	Martin
Corbin	McDonald
Cousins	Tynan
Hardeman	Vick
Harris	

## Nays—11

Aikin	Phillips
Bracewell	Proffer
Jones	Shofner
Lock	Strauss
Moffett	Taylor
Morris	

## Absent

Hazlewood	Weinert
Moore	

## Motion to Adjourn

Senator Phillips moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—5

Carney	Proffer
Lock	Strauss
Phillips	

## Nays—22

Aikin	Bracewell
Ashley	Bullock
Bell	Colson

Corbin	Lane
Cousins	Martin
Hardeman	Moffett
Harris	Morris
Hudson	Shofner
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

**Absent**

Hazlewood	Moore
McDonald	Weinert

Question—Shall the bill be passed to third reading?

On motion of Senator Vick and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

H. B. No. 808 was passed to third reading.

**House Bill 808 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 808 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Morris
Harris	Shofner
Hazlewood	Tynan
Hudson	Vick

**Nays—5**

Aikin	Strauss
Phillips	Taylor
Proffer	

**Absent**

Moore	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Ashley	Bell
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Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Morris
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick

**Nays—3**

Aikin	Taylor
Phillips	

**Absent**

Moore	Weinert
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(President in the Chair)

**Conference Committee on Senate Bill 70**

The President announced the appointment of the following conference committee on the part of the Senate on S. B. No. 70:

Senators Tynan, Harris, Kelly of Tarrant, Vick and Bracewell.

**Conference Committee on House Bill 737**

The President announced the appointment of the following conference committee on the part of the Senate on H. B. No. 737:

Senators Hudson, Strauss, Hazlewood, Carney and Jones.

**Conference Committee on House Joint Resolution 7**

The President announced the appointment of the following conference committee on the part of the Senate on H. J. R. No. 7:

Senators Proffer, Hudson, Moffett, Hazlewood and Kelley of Hidalgo.

**Conference Committee on House Bill 321**

The President announced the appointment of the following conference committee on the part of the Senate on H. B. No. 321:

Senators Taylor, Aikin, Hardeman, Cousins and Weinert.

**Bill Signed**

The President signed in the presence of the Senate after giving due notice thereof, the following enrolled bill:

H. B. No. 783, A bill to be entitled "An Act to appropriate Ten Thousand (\$10,000.00) Dollars for the Live Stock Sanitary Commission to pay traveling and subsistence expenses supplementing the appropriation for traveling expenses made for the biennium ending August 31, 1949; and declaring an emergency."

(Senator McDonald in the Chair)

**Senate Joint Resolution 1 with Senate Amendments**

Senator Kelley of Hidalgo called for consideration at this time, the motion made by Senator Proffer on Wednesday, April 27, 1949, to reconsider the vote by which the Senate refused to concur in House amendments to S. J. R. No. 1, which motion was spread on the Journal of that day.

Question—Shall the motion to reconsider prevail?

**Recess**

Senator Moffett moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded. The motion prevailed by the following vote:

**Yeas—20**

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	McDonald
Carney	Moffett
Colson	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Tynan
Hudson	Vick

**Nays—7**

Aikin	Martin
Corbin	Phillips
Jones	Taylor
Kelley of Hidalgo	

**Absent**

Hazlewood	Shofner
Moore	Weinert

The Senate accordingly at 7:15 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

In Memory of  
**Mrs. E. H. McKinley**

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Senator Kelly of Tarrant offered the following resolution:

(Senate Resolution 202)

Whereas, On the morning of June 6, 1949, the Almighty in His Infinite Wisdom called from us in the seventy-fifth year of her life our beloved and distinguished citizen, Mrs. E. H. McKinley of Fort Worth, Texas, a woman of cultural refinement, keen interests in her home and church and community; and

Whereas, Mrs. McKinley had resided in Fort Worth for forty-six years and had helped her distinguished husband develop one of Texas' important industries and had reared five splendid children who are carrying on her tradition of service to the community and their fellow men; and

Whereas, Many who knew and loved her will feel sincerely the loss of her comradeship, compassion and love; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to those who survive her, her husband, Mr. E. H. McKinley, her three sons, Robert B. McKinley, City Councilman, DeWitt McKinley, Chairman of the Fort Worth Improvement District Levee Board, H. L. McKinley, her two daughters, Mrs. J. F. Crisler and Mrs. Jon R. Long, all of Fort Worth, her two sisters, Mrs. James Cannon of Montrose, Colorado, and Mrs. T. G. Barton of Tyler, her four brothers, Dr. J. W. Head of Borger, Dr. A. P. Head of Ovalo, W. S. Head of Fort Worth, L. D. Head of Lueders, and nine grandchildren, our sincere sympathy; that a page be set aside in the Journal as a memorial to her and that this resolution be printed thereon; and that an official copy of said resolution be sent to each of those who survive her; and that when the Senate adjourns today it do so in her honor.

The resolution was read and was adopted.